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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,234	09/07/2000	James Patrick Allen	ROC9-2000-0220-US1	1600

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Joan Pennington
535 North Michigan Avenue
Unit 1804
Chicago, IL 60611

EXAMINER
ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 – 6, and 8 – 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 – 6, and 8 – 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 6, and 8 – 18 are presented for examination.

Claim Objections

1.   Claim16 is objected to because of the following informalities: Claim 16 references itself

and is therefore has an improper claim dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. The term "common" in common transport or common services layer is too ambiguous

as to what specifically is designated as "common".

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5.   Claims 1, 6 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelman U.S. Patent No. 6671820.

6.   Referencing claim 1, as closely interpreted by the Examiner, Kelman teaches a storage area network (SAN) management and configuration method via enabling in-band communications comprising the steps of:

7.   utilizing a SAN management application for communicating with a host bus adapter (HBA) device driver, (e.g. col. 3, line 51 – col. 4, line 2), and

8.   providing a pass through in said HBA device driver for passing communications to a device in the storage area network from said SAN management application including at least one topology analysis command, (e.g. col. 6, line 64 – col. 7, line 25, *"peripheral-type"*).

9.   Referencing claim 6, as closely interpreted by the Examiner, Kelman teaches the step of providing said pass through in said host bus adapter (HBA) device driver through a host bus

adapter (HBA) for passing communications to a device in the storage area network from said

SAN management application includes the step of providing said pass through for passing a

plurality of commands, (e.g. col. 7, lines 27 – 36, *"command"* & col. 8, lines 1 – 22,

"command").

10.   Referencing claim 10, as closely interpreted by the Examiner, Kelman teaches the step of

providing said pass through for passing at least one configuration command, (e.g. col. 7, lines 27

– 36, *"command"* & col. 8, lines 1 – 22, *"command"*).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

12.   Claims 2, 3, 11 – 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kelman (6671820) in view of Haren (6557060).

13.   As per claim 2, as closely interpreted by the Examiner, Kelman teaches the step of

utilizing said SAN management application for communicating with a HBA device driver

includes the step of providing a management application agent coupled between an end user and

a storage device, (e.g. col. 1, lines 35 – 45, *"transfer agent"*), but does not specifically teach the

agent coupled between the management application and said HBA device driver. Haren teaches

the agent coupled between the management application and said HBA device driver, (e.g. col. 4,

lines 1 – 28, *"...agent (e.g. I/O controller)..."* & Figures 1 and 2). It would have been obvious to

on of ordinary skill in the art at the time the invention was made to combine Haren with Kelman

because an agent could perform management functions concerning which storage units and

transmission information are within the scope or not within the scope for each node.

14.   As per claim 3, as closely interpreted by the Examiner, Kelman does not specifically

teach the step of utilizing said management application agent for providing predefined, fibre

channel, protocol functions for communicating with said device in the storage area network.

Haren teaches the step of utilizing said management application agent for providing predefined,

fibre channel, protocol functions for communicating with said device in the storage area

network, (e.g. col. 4, lines 1 – 28, *"...agent (e.g. I/O controller)..."*). It would have been obvious

to on of ordinary skill in the art at the time the invention was made to combine Haren with

Kelman because of similar reasons as stated above.

15.   Claims 11 – 14, 16 and 17 are rejected for similar reasons as stated above including

claims 1, 6 and 10.

16.   Claims 4, 5, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kelman (6671820) in view of Haren (6557060) in further view of Stai et al. (6401128)

(hereinafter Stai).

17.   As per claim 4, as closely interpreted by the Examiner, Kelman teaches as the step of

providing predefined protocol functions for communicating with said device in the storage area

network include the step of providing a transport protocol function, (e.g. col. 1, lines 36 – 45),

but does not teach an extended link service (ELS) protocol function. Stai teaches an extended

link service (ELS) protocol function, (e.g. col. 6, line 33 – col. 7, line 7). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine Stai

with the combine system of Kelman and Haren because it would be more efficient for a system

to utilize ELS for responding to a payload translation during a public-to-private translation or

private-to-public.

18.   As per claim 5, as closely interpreted by the Examiner, Kelman teaches the step of

providing a pass through by said device driver through a host bus adapter (HBA) includes the

step of providing a common transport (CT) pass through and by said device driver through said

host bus adapter (HBA), (e.g. col. 1, lines 36 – 45) but does not specifically teach an extended

link service (ELS) pass through. Stai teaches an extended link service (ELS) pass through, (e.g.

col. 6, line 33 – col. 7, line 7). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine Stai with the combine system of Kelman and Haren

because of similar reasons stated above.

19.   Claims 15 and 18 are rejected for similar reasons stated above.

20.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelman

(6671820) in view of Panas et al. (6473857) (hereinafter Panas).

21.   As per claim 8, as closely interpreted by the Examiner, Kelman does not specifically

teach the step of providing said pass through for passing at least one performance analysis

command. Panas teaches the step of providing said pass through for passing at least one

performance analysis command, (e.g. col. 4, lines 36 – 61). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine Panas with Kelman

because it would be more efficient for a system to analyze the performance of a system in order

to make sure that the system is running properly and when errors occur, they are easily identified

and taken care of.

22.   As per claim 9, as closely interpreted by the Examiner, Kelman does not specifically

teach the step of providing said pass through for passing at least one attribute analysis command.

Panas teaches the step of providing said pass through for passing at least one attribute analysis

command, (e.g. col. 4, lines 36 – 61). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine Panas with Kelman because it would be more

efficient for a system to analyze the attribute to see if there are trends in the system that could

lead to a efficient running system or a system with errors in it.

Response to Arguments

23.   Applicant's arguments with respect to claims 1 – 6, and 8 – 18 have been considered but

are moot in view of the new ground(s) of rejection.

Conclusion

24.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

25.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

26.   a.   Quackenbush et al. U.S. Patent No. 6163824 discloses Hot plug port adapter with

separate PCI local bus and auxiliary bus.

27.   b.   Knight et al. U.S. Patent No. 6289375 discloses Method and apparatus for

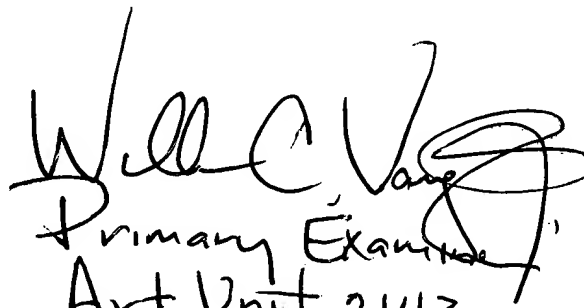invoking network agent functions using a hash table.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David E. England whose telephone number is 703-305-5333 and

571-272-3912 as of Oct. 28th. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De

William C. Vaughn
Primary Examiner
Art Unit 2143,
William C. Vaughn, Jr